

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT M. LANDESMAN; et al

PLAINTIFFS

vs

THE KEYS CONDOMINIUM OWNERS
ASSOCIATION,

DEFENDANTS

) Case No. C 04-2685 (PJH)

) **CONSENT DECREE**

PROCEEDINGS TO DATE

Scott Landesman, Keith Landesman, a minor, Jennifer de Roque, Matthew de Roque, a minor, David Ragland and Kathleen Ragland brought this action alleging *inter alia* that defendant The Keys Condominium Homeowners Association ("the Keys HOA") violated the federal Fair Housing Act, 42 U.S.C. §3601 et seq., the California Fair Employment and Housing Act, Government Code §12927 et seq, and the California Unruh Act, Civil Code §51 et seq., by making, printing and enforcing rules that restricted minor children's access to common facilities within the condominium complex. The Keys HOA is the operators of The Keys, a 792 unit condominium complex in Walnut Creek, California.

Plaintiffs and Defendant have agreed that in order to avoid further protracted and costly litigation, this controversy should be resolved without a trial and therefore have consented to the

1 entry of this Consent Decree. By entering into this Consent Decree, the parties make no
2 admission of liability or wrongdoing in connection with the allegations and claims made in this
3 action.

4 This Consent Decree shall be binding on defendant, its agents and employees and any
5 persons with whom they contract to provide management services for The Keys.

6 **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

7 1. The Keys HOA, its employees, agents, successors and assigns, as well as any
8 other person in active concert or participation with them are ordered to comply with the Federal
9 Fair Housing Act and the Fair Employment and Housing Act, Government Code §12955 in the
10 operation of The Keys.

11 2. The court finds that the rules attached hereto as Exhibit A comply with the
12 Federal Fair Housing Act and the Fair Employment and Housing Act, Government Code
13 §12955. However, by approving the rules, the Court does not rule that the rules cannot be
14 changed so long as any changed rules comply with the Federal Fair Housing Act and the Fair
15 Employment and Housing Act, Government Code §12955.

16 3. Paragraph 10 of the Settlement Agreement and Release of Claims, pertaining to
17 Confidentiality, is hereby incorporated in this Decree and in the event of any breach of the terms
18 of Paragraph 10 the Court may, upon noticed motion, impose such sanctions as the Court in its
19 discretion deems appropriate.

20 4. This Consent Decree shall be in effect for a period of three (3) years from the date
21 of entry.

22 IT IS SO ORDERED.

23 Dated: 8/18/05

24 

25 PHYLLIS J. HAMILTON
26 United States District Judge

1 The parties hereto, by and through their attorneys, approve and agree to the entry of the
2 foregoing consent decree:

3 ANGIUS AND TERRY LLP

4
5 By: 

6 PAUL P. TERRY, JR.
7 Attorney for Defendants

8 GOUGH & COMPANY, COUNSELORS
9 AT LAW

10 By: 

11 KERRY M. GOUGH
12 Attorney for Plaintiffs
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EXHIBIT “A”

RULE CHANGES

The Board of Directors of The Keys Condominium Owners Association, at their meeting on March 16, 2005 did approve the following change to the Rules concerning the use of the Central Pool and the Clubhouse and Related Facilities.

Central Pool

1. All rules restricting use of the Central or Main Pool by children are repealed with the following exceptions:
 - a. Children under 14 are not permitted in any pool area at any time unless accompanied by an adult.
 - b. Children 5 years of age and under are not permitted in the Jacuzzi pools (spas) at any time.
2. Use of the Central or Main Pool is restricted to lap swimming, "pool walking" and other similar forms of exercise from 6:00 A.M. to 8:30 A.M. and from 6:00 P.M. to 7:30 P.M. However, this restriction does not apply if no lap swimmers or pool walkers are using the pool during these hours. Lap swimming, pool walking and other similar forms of exercise are not restricted to the hours of 6:00 A.M. to 8:30 A.M., and 6:00 P.M. to 7:30 P.M. but may take place during all hours the pool is open, as long as these activities (lap swimming, etc.) do not interfere with others using the pool.

3. All persons in diapers must wear swimming diapers ("Swimmers"). Plastic pants over a diaper are not allowed.

Clubhouse and Related Facilities

4. The Clubhouse is open to all residents and guests, regardless of age. No loud noise (such as yelling or loud conversation), running around or boisterous conduct is permitted. There are no babysitting services provided. Children under the age of 8 must be supervised by a person of sufficient age and maturity to ensure that the rules are followed and the child is safe.
5. The basketball and tennis courts may be used by all residents and guests, regardless of age. Other rules applying to these facilities, such as requiring the tennis courts to be used only for playing tennis, still apply.
6. The gym equipment may only be used by residents or guests age 14 and above. For safety reasons, any parent or guardian allowing their child to use or be on gym equipment in violation of the rules will be subject to immediate ejection and loss of gym privileges.
7. The racquetball court may be used by all residents and guests, regardless of age. Children under 14 must be accompanied by an adult. Other rules applying to these facilities, such as requiring the racquetball courts to be used only for playing racquetball, still apply.
8. The pool tables may be used by all residents and guests, regardless of age. Children under 14 must be accompanied by an adult. Other rules applying to the use of the pool tables remain.
9. The sauna may be used by all residents and guests with the following exceptions:
 - a. Children under 14 must be accompanied by an adult.
 - b. Children 5 years of age and under are not permitted in the sauna at any time.



CONDOMINIUM OWNERS ASSOCIATION

I am the Secretary of The Keys Condominium Owners Association. I certify that the attached Rule Amendments were duly adopted by the Board of Directors of The Keys Condominium Owners Association at a duly held meeting on March 16, 2005.

Date: March 17, 2005

Secretary, Karl Lofthouse
The Keys Condominium Owners Association

Secretary's certification